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SUMMARY REPORT
PESTICIDE ISSUES COMMUNITY MEETINGS
July 12 to October 18, 1997

Submitted by
Indian Dispute Resolution Services, Inc.

Background

The Native Americans residing in the Northern California forest communities have been voicing their concerns about the impact of toxic chemicals upon their communities since herbicides began to be applied on a large commercial scale to the forests and roadsides in the 1960's. This application of pesticides was an effort to chemically eliminate (as opposed to mechanically removing) certain "non-commercial" plant species considered to be competing with commercially valuable species (Douglas fir, redwood, pine), to reduce safety and fire hazards on roadside right-of-ways, and to eliminate invasive non-native weed species. Early attempts-by individuals, communities and tribes-at communicating concerns to government agencies/officials and timber companies were met by reassurances that the substances had been tested and approved as safe for use. The increasing incidence of health problems and fears regarding exposure to toxic chemicals cited by the Native communities were dismissed as "statistically insignificant". (There were several **out-of-court** settlements made by chemical companies during this period in response to suits filed by Tribal members for health problems alleged to be caused by pesticides.)

The formation of the California Indian Basketweavers Association (CIBA) provided an organization to advocate on behalf of its members and Native communities on this issue. (See attachment #1, May 7, 1995 CIBA, A SELECTED CHRONOLOGY.) In 1993, James Wells, Director of the California Department of Pesticide Regulation (DPR) began a discussion of the issues at a basketweaver gathering sponsored by CIBA. CIBA's advocacy, combined with the United States Environmental Protection Agency (U.S. EPA) receptivity resulting from President Clinton's 1994 Executive Order emphasizing "Environmental Justice," stimulated the activities described in this report. The U.S. EPA, Region 9, provided funds to DPR to hold a series of community meetings with Native

Region 9, provided funds to DPR to hold a series of community meetings with Native Americans in northern California. The purpose of this project was to provide an opportunity for a constructive dialogue between Native Americans and agency representatives, clarifying the use of natural resources by Native Americans and leading to the identification of possible partnerships and joint projects to address concerns regarding the impact of pesticide use on their communities. Indian Dispute Resolution Services, Inc. (IDRS) was selected to assist in organizing and facilitating the community meetings and to prepare this report.

The Process:

An initial planning meeting was held on May 13, 1997 at the Redding Rancheria. Participants were invited from tribes in Northern California, CIBA, Native American organizations, and state/county/federal agencies. The purpose of the meeting was to develop the best possible strategy for encouraging participation and formatting the community meetings to meet the needs of community members. Two messages were emphasized and repeated by Native Americans at this meeting:

1. *Ban pesticide use in our communities!*

Agency representatives acknowledged the participants desire to have pesticides banned and outlined the political process for that procedure. Representatives from the U.S. EPA and the California DPR informed the group about the boundaries of their responsibilities, which are regulatory—not legislative. The entire group expressed the importance of informing the community meetings of the scope of the involved agency responsibilities and to be clear that these meetings were not the forums for banning pesticides.

2. *Another community meeting is NOT the answer!*

Meeting only for the sake of soliciting more information from the Native communities was challenged by several participants as being counter-productive and disrespectful. Feelings were expressed that past meetings had resulted in little or no improvement in what they perceived to be unsafe living conditions, nor were any actions initiated on behalf of native people. The perceived loss and suffering resulting from pesticide exposure would be personal and painful for people to recount again, especially if nothing is likely to result from one more re-telling.

Agency representatives acknowledged that many past attempts had not resulted in helpful action to Native communities and restated some of the limitations of the planned meetings. However, they emphasized that many factors had changed and that there was a commitment from the involved agencies' leadership to develop a constructive partnership with tribes and Native Americans to address their issues and provide services and resources to the extent possible. Nancy Frost (USEPA), Paul Gosselin (DPR), and Kathy Brunetti (DPR) committed to being truthful and forthcoming about what their agencies could and would do during the course of these meetings and the follow up activities.

Highlights of suggestions to incorporate into the community meetings:

1. Develop a pre-meeting information package.
2. Structure the meeting format to allow community members to tell their stories, agency people to listen.
3. Share information about symptoms of exposure and health effects.
4. Frame the meetings' purpose to be "Education, Process, and Information Gathering".
5. Clarify the entire process as an opportunity to educate agency representatives on how native communities are using the natural resources (which have been exposed to pesticides) in their daily life.
6. Structure the meetings to be a two-way education opportunity.

(Attachment #2, May 13 Meeting Notes & Attendance Roster)

The Information Packet Task Force established at the May 13th session met on May 28, 1997 in Eureka, hosted by Jene McCovey. (Attachment #3, May 28 Meeting Notes)

The concerns raised at the Redding meeting were re-visited, specifically, "*Will this project be any different from others that have raised hope, but produced no results?*" One example of the possibilities of these meetings was shared by Kathy Brunetti, DPR: The impact of the Redding meeting caused her to contact the person in DPR who is responsible for ensuring that physicians understand their legal obligation to report pesticide-related illnesses to the County Health Officer. She obtained a commitment to increase communication regarding the reporting requirements and to determine if additional resources were available to train medical personnel serving Native American communities in northern California. This has the potential for documenting the concerns and creating a force for action within the system.

The participants reaffirmed the intent of the meetings: a two-way educational process; the community talks-agencies listen; the community shares how they use the local resources in their way of life; their specific concerns about the impact of pesticides on their health and on their communities; their stories about how they perceive pesticides create health problems; and their fears for the future. Agencies will present specific factual data about the historic use of pesticides within the community and the ways the community can work within the existing framework of regulations to reduce/eliminate pesticide use upon

the natural resources they depend upon. The intent is to begin to build collaborative working relationships, built on earned trust that will continue to grow into the future.

Recommendations for information to be available at the meetings:

1. Emphasize information on: How the system works & How communities can impact/influence it.
 1. Concentrate on the four agencies; USEPA, DPR, County Agricultural Commissioner (CAC) & Caltrans.
 2. Describe who does what: regulate, permit, register, monitor, etc.
 3. Identify key local agency people & how to reach them.
 4. Include examples of how people have used anecdotal information to change regulations and the use of chemicals, i.e. Mavis McCovey.
 5. Include examples of how communities have influenced use, e.g. Caltrans MOU with Humboldt and Mendocino Counties.
2. Community specific Information
 - a. Maps indicating local spray history.
 - b. Specific chemicals applied, amount used.
 - c. Information on the effects of chemicals applied locally:
 - * Dangers of exposure.
 - * Specific symptoms, long & short term exposure.
 - * Possible pathways, based on local use of natural resources.
 - * Prevention measures, toxicology profile.
 - * Reporting procedures, use of physician's report form.
3. Information on alternatives to pesticide use.

Community Meetings conducted:

1. Robinson Rancheria, Upper Lake, CA. July 12, 1997 (Attachment #4, Meeting Notes and Roster)
2. Fall River Mills, CA. July 19, 1997 (Attachment #5, Meeting Notes and Roster)
3. Karuk Tribal Community Center, Orleans, CA. September 20, 1997 (Attachment #6, Meeting Notes and Roster)
4. Yurok-Pecwan Community, Pecwan, CA. October 16, 1997 (Attachment #7, Meeting Notes and Roster)
5. Yurok-Klamath Community, Klamath CA. October **17, 1997** (Attachment #8, Meeting Notes and Roster)

6. Yurok-Arcata Community, Arcata, CA. October 18, 1997 (Attachment #9, Meeting Notes and Roster)

Meeting Format:

1. Welcome and Prayer-Tribal Host
2. Overview of the meeting's purpose
3. Introductions of all participants, identifying Tribal and agency affiliation
4. Expression of community members' issues and concerns
5. Agency representatives consider what the community has said and organizes/presents their response
6. Questions/Answers/Clarifications Session
7. Identifying Next Steps
8. Closure

Meeting length: 3 to 7 hours.

The provision of food allowed community members and agency people opportunity to socialize and visit on a personal, informal level. The Arcata meeting provided an opportunity to sample Acorn soup, furnished by Jene McCovey.

HIGHLIGHTS OF PESTICIDE ISSUES COMMUNITY MEETINGS

I. Perceptions and beliefs about pesticides and pesticide use in their communities expressed by Native Americans:

1. Pesticides are poison and harmful to all life.
2. Pesticides remain active in the environment forever (undetermined time).
3. Pesticides are the cause of many health problems.
4. Pesticides continue to be used widely within the areas we live in and gather from.
5. The specific sites we gather from and use for ceremonial purposes are sacred to us and we cannot simply relocate to another site.
6. We fear that disclosing specific gathering sites and sacred sites will result in more restrictions or damage to the sites.
7. We are concerned that full disclosure of our use of plants for medicinal and sacred purposes will result in exploitation. Disclosure of certain practices would violate our spiritual principles and beliefs.
8. We are not (or have not been) listened to or taken seriously, when we have attempted to express our concerns and fears about the use of pesticides.
9. The decline in many fish/animal/insect species is directly related to pesticide use.
10. Dwellings, schools, and water sources have been indiscriminately subjected to aerial spraying.
11. Aerial spraying continues to be a widespread practice by timber companies.
12. People feel that they have no “rights” as individuals or communities, all rights are vested with timber companies and government agencies.
13. Tribal members fear that the regulatory agencies will conduct a risk assessment, which will say that traditional food gathering practices and traditional basket weaving practices are not safe and should be discontinued.

II. Information Revealed or Confirmed by the Community Meetings

1. Native Americans in these communities live very close to nature.
2. Pesticide use has disrupted cultural patterns of life.
3. Many people rely upon untreated water sources originating in or adjacent to pesticide treated areas (surface water or springs).
4. A large percentage of their foodstuff is gathered from areas possibly impacted by pesticides. This is an economic necessity for many people, not just a matter of choice.

II. Information Revealed or Confirmed by the Community Meetings (continued)

5. Acorns continue to be a part of the diet of many people (oaks are a pesticide targeted species).
6. Firewood from sprayed areas is gathered and burned.
7. People continue to visit (or camp in) traditional Tribal sites in areas owned and sprayed by timber companies despite postings and warnings.
8. Some timber companies provide access to traditional areas on company owned land (having locked gates) to certain Native Americans.
9. Many Native Americans are or have been employed in the forest products industry as loggers and mill workers, spending years in daily direct contact with products from sprayed areas.
10. Roadside gathering is a common practice, especially by the elderly and young.
11. Children of all ages accompany families while gathering and are exposed to whatever pesticides remain in the gathering environment.
12. Teas brewed from plant parts are widely used for many purposes.
13. Smoke/smudges from various plants are used for ceremonial and medicinal purposes.
14. Many communities are experiencing resurgence in traditional practices, resulting in an increased use of materials from the forest.
15. Elected Tribal government is not the only source of leadership in many native communities: in some groups, band or clan ties may have more influence.

III. Health Concerns expressed by communities, perceived related to pesticide use

1. Pesticide exposed communities have a 25-30 year history of problem pregnancies (some out-of-court settlements by chemical companies).
2. Perception of increased incidence of birth defects (e.g., cleft palates).
3. Anecdotal evidence of increased incidence of cancer; there is a perception that every family has experienced it.
4. Widespread uncertainty and fear about the safety of drinking water.
5. Personal accounts of physical symptoms of unknown origin i.e., blisters, skin rashes, nausea, respiratory problems, etc.
6. Concerns related to children's behavior patterns and school performance.

IV. Regulatory Agencies' Concerns

1. Native Americans, attending these meetings, are generally unaware of specific, precise history of pesticide uses in their gathering/living areas or where to go for the information, although there are some notable exceptions of extremely well informed individuals.
2. Native Americans from these communities retain the image of the intensive aerial application of pesticides to large areas as the norm, and therefore fear that indiscriminate spraying will continue to expose them to risk.
3. The role and responsibilities of the County Agricultural Commissioner in pesticide regulation and monitoring is not widely known or understood.
4. Native Americans are unaware of monitoring activities by various agencies and the resulting data. (Water quality example). They tend to disbelieve that monitoring is actually taking place.
5. Lack of timely, adequate public notice of spray/application dates prevents people from taking precautions to protect them from possible exposure.
6. Native Americans, attending the meetings, challenge that the regulations for setbacks from water sources are not adequately and/or routinely followed. All water is suspected of being contaminated with pesticide residue.
7. They fear that new chemicals continue to be permitted by regulatory agencies without adequate studies of long term affects (example cited: DDT was certified as safe!).

V. What the Communities Want

1. Right to know
 - a. Access to historical data documenting application of pesticides upon areas of concern.
 - b. Access to monitoring records and the results of any testing by monitoring agencies.
 - c. Notice of application plans impacting their area and advance notice of application dates.
 - d. The location of any roadside applications.
2. Involvement in the permit review process.
3. Representation on advisory groups related to pesticide use.
4. Ability to monitor the safety of drinking water, especially individual non-treated sources.

V. What the Communities Want (continued)

5. Effective and timely communication from all levels (government to government, isolated communities, etc.).
6. To be able to understand the complex, multi-layered pesticide regulation process.
7. Access to specific information on chemicals used, in a format and language that can be understood by a layperson.
8. Acceptance of our anecdotal evidence regarding the effects of pesticides on our health and environment.
9. Proof that we can be protected from harm.
10. Resources to undertake our own comprehensive health studies and surveys to determine the precise health status of community members; and to document the extent and nature of each community's health problems.
11. Training for health care providers to identify pesticide-related illness, document it, and report it.
12. Increased resources for treatment of illness and disease.
13. The Robinson Rancheria has unique needs (in addition to other pesticide applications) to understand the impact of the pesticides utilized in the Clear Lake hydrilla treatment project.

VI. General observations about the community meetings

1. Tribal government representatives were involved in all the meetings, with the exception of the Fall River Mills meeting.
2. Local elected officials attended only one meeting-two of the Lake County Supervisors actively participated in the Robinson Rancheria meeting.
3. Despite the anger and frustration expressed by participants regarding past actions/in-actions, Native Americans were willing to engage in constructive dialogue and activities.
4. The willingness of agency participants to listen and take the remarks of community people seriously contributed to a constructive atmosphere.
5. Person to person works to begin the process of developing a partnership of trust.
You can 't make agreements with strangers!
6. The stresses associated in living in an environment that is believed to be unhealthy may be a contributing cause to many of the reported health problems.

VII. Requests for Information and Assistance

ACTIONS TAKEN TO DATE:

NOTE: The actions noted here are only-an attempt to partially describe initial, early response to requests as they occurred in the meetings and as noticed by Marshall Rogers & Shelly Vendiola. This does n&constitute the agency's response to the requests

1. What pesticides have been applied in our community?

Dates/Amounts/Purpose/Locations

ACTION:

- a. *DPR has begun to compile summaries of Pesticide Use Reports for each county, beginning with most recent information. This information is accessible on an electronic database beginning with 1990. Older records exist in paper files and take longer to research. Examples of reports provided to the Yurok meetings in October are Attachment # 10.*
- b. *The County Agricultural Commissioners have made a commitment to assist Tribal governments and Tribal members to obtain information available from their offices. Specific information is available on Permits Issued for Pesticide Use, Notices of Intent to Apply, and Pesticide Use Reports. Examples of contact sites and policy statements regarding access to information are included in Attachment #11.*
- c. *CIBA provided a map generated from their Pesticide Use Database, Sections of Land in Which Spraying Occurred in the Vicinity of Orleans, CA from 1962 through 1983. (Attachment #18)*

2. Who are the government agencies involved in pesticide use? What is their legal authority? How do you sort out who does what? Whom do you contact?

ACTION:

- a. *Attachment #12, Hierarchy of Pesticide Regulation in California, Prepared for Community Meetings With Native Americans, October 15, 1997, is intended to assist people to understand the roles and responsibilities of the local, state, and federal government offices.*
- b. *The County Agricultural Commissioners at each community meeting invited and encouraged Tribal members to contact them personally (or their office staff) for any assistance in accessing information, understanding the system, reporting suspected violations, or answering any questions.*

VII. Requests for Information and Assistance (continued)

- c. *DPR and USEPA participants in the meetings provided their phone numbers to Tribal members and offered their services to help anyone work through the system and get the information or services they need.*
- d. *Attachment #19, Department of Pesticide Regulation is a basic description of the department and its major responsibilities: Evaluating and Registering Pesticides, Protecting Workers and the Public, Environmental Protection and Pest Management Alternatives, and Enforcing Pesticide Laws.*

3. What are Pesticides? Why are they used?

ACTION:

- a. *To assist people in understanding all the technical terms used in various publications and by agency staff, a handout was prepared—Attachment # 13, Department of Pesticide Regulation, Fact Sheets for Native Americans, Glossary of Terms Used In Pesticide Regulation. The most recent version of the Glossary is dated September 20, 1997.*
- b. *Distributed at the meetings: DPR Consumer Fact Sheet—What Is a Pesticide? This provides a very basic description and lists common kinds of pesticides and their uses. (Attachment #14)*
- c. *Distributed at the meetings: CALIFORNIA RESTRICTED MATERIALS REQUIREMENTS (PR-ENF-013a {REV 2/20/97}) This document contains the trade names or active ingredient of California Restricted Materials and applicator certification requirements. (Attachment #15)*
- d. *Distributed at the meetings: technical bulletins on a number of pesticides used in northern California. These are prepared by EXTOWNET (Extension Toxicology Network) A Pesticide Information Project of Cooperative Extension Offices at Cornell University, Michigan State University, Oregon State University, and University of California at Davis. Example on 2,4-D is included as Attachment #16*

4. How do you know if you've been exposed to pesticides? What are the symptoms? What should you do?

ACTION:

- a. *DPR developed a Fact Sheet to be distributed at the meetings: What to Do if You Have Been Exposed to Pesticides. This is basic information with First Aid Tips. (Attachment #17)*

VII. Requests for Information and Assistance (continued)

- b. *Distributed at the meetings: a 49 page booklet EPA, CITIZENS' GUIDE TO PEST CONTROL AND PESTICIDE SAFETY (EPA 730-K-95-001) This is a publication primarily targeting homeowners, however it does have sections on "Reducing Your Exposure When Others Use Pesticides" pages 26-29 and "Handling A Pesticide Emergency" pages 32-35.*
 - c. *Distributed at meetings: a 16 page booklet, Toxicology for the Citizen, by Institute for Environmental Toxicology, Michigan State University. This booklet is more technical and offers: How is toxicity measured, Descriptions of Acute toxicity, Subacute toxicity and Chronic toxicity.*
5. How can we be involved or have representation on committees and groups involved in pesticide use decision making?

ACTION

- a. *Bob Melendez, CalTrans, invited community members to participate in CalTrans Roadside Vegetation Management Advisory Committee (DRVMAC). This committee was formed in response to public concerns regarding herbicide spraying. The DRVMAC will help CalTrans determine how to best manage its vegetation control program and attain its herbicide reduction goals. Attachment #20 includes a news release and the DRVMAC membership list.*
 - b. *County Agricultural Commissioners agreed to notify Tribal offices and interested individuals of opportunities to participate in pesticide-related meetings and activities. Interested individuals were requested to provide their name, address, and phone number to the CAC, together with an indication of their specific interest.*
6. What/how many pesticide residues remain in the plants, animals, and water?

ACTION

- a. *Kean Goh, DPR Environmental Monitoring and Pest Management Branch attended the community meetings and provided an overview of an on-going study: Residues of Forestry Herbicides in Plants of Interest to Native Americans. Kean invited Native Americans to form*

VII. Request for Information and Assistance (continued)

a collaborative effort to identify the locations and sample types (soil, water, plants) they wish to have sampled for residues. Executive Summary of Report EH 97-01, Attachment #21. Example of Kean Goh letters to participants, Attachment #22.

7. What further restrictions can be placed on the use of pesticides within existing laws and regulations? How can this be accomplished by local groups?
8. Can more limits or conditions be placed on permits, e.g., requiring larger areas of protection around dwellings, schools, and water sources, and protecting downhill areas from runoff.
9. Can the “Notice of Intent to Spray” be modified to include adequate advance warning, which would enable people to evacuate nearby areas in order to avoid exposure? Can the posting requirements be increased to insure that there is a reasonable opportunity to notify all community members?
10. Monitoring requirements are frequently mentioned. Where are the monitoring reports? Does anyone pull all the monitoring results together for a comprehensive picture of an area? How do we get the Water Quality Agency to cooperate/be more involved?
11. The pesticides used on the forests and roadsides were never intended to be used on foods or tested for use on foods. Now that the regulatory agencies know people will continue to depend on these resources for food and medicine, what difference will it make?
12. We fear that we live in an unsafe, unhealthy environment. How can we know what is safe or unsafe?
13. Who decides what is “acceptable risk”? Is any risk worth the economic gain of using toxic chemicals?

Closing.

This report is an attempt to summarize a vast amount of information and a tremendous expression of deep of feelings. **No** report on paper can adequately capture what actually happened. Fortunately, the key people were in attendance and this report will serve to remind them of the important interchanges that occurred. The people from the six native communities were generous to those of us that were strangers; generous with their hospitality, generous with sharing their knowledge, and most of all generous in sharing their pain, grief and frustration. They were amazingly patient in teaching agency people about their culture and in taking the risk; one more time, to trust that someone will listen, believe, and care. The right agency people were assigned-or chose-to participate in these meetings. This “rightness” was revealed in the manner in which they listened and were touched by the experiences of the community people. They accepted criticism without becoming defensive and began to seek out ways to help. Tears and laughter flowed at each meeting. Now the challenge: “How can this experience be used to improve the quality of life for these six communities?” And how will what we’ve learned be passed on to help other communities facing the same questions, fears and dilemmas?